

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BYRON L PETERS,

Plaintiff,

v.

WILLIAM HANES MONROE JR, KIP
ANDREW HARBISON, MARK
CHRISTIAN GRECO, THE LAW
OFFICE OF GLASSER AND
GLASSER PLC,

Defendants.

CASE NO. C20-1422 MJP

ORDER DENYING MOTION TO
APPOINT COUNSEL

This matter comes before the Court on Plaintiff's "Request for assistance to file opposition to Defenses [sic] motion to dismiss" which the Court construes as a third motion to appoint counsel. (Dkt. No. 32; see Dkt. Nos. 4 and 13.) Having reviewed the Motion and Defendants' response (Dkt. No. 33), the Court again DENIES Plaintiff's motion for appointment of counsel.

The Court has discretion to appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1), but an appointment of counsel should only be granted under "exceptional


1 circumstances.” Agyeman v. Corrections Corp. of Am., 390 F.3d 1101, 1103 (9th Cir. 2004).
2 “A finding of the exceptional circumstances of the plaintiff seeking assistance requires at least an
3 evaluation of the likelihood of the plaintiff’s success on the merits and an evaluation of the
4 plaintiff’s ability to articulate his claims in light of the complexity of the legal issues involved.”
5 Id. (internal quotations omitted).

6 Plaintiff continues not to demonstrate the merits of his claims in his motion for
7 appointment of counsel, and the Court is unable to find sufficient merit on the face of his
8 amended complaint to warrant appointment. Plaintiff has not presented exceptional
9 circumstances that would justify the appointment of counsel at this time. Plaintiff’s motion to
10 appoint counsel is DENIED.

11 But to afford Plaintiff additional time to respond to Defendants’ pending motion to
12 dismiss (he has otherwise failed to provide a response), the Court re-notes the motion to
13 February 5, 2021. Plaintiff must file his opposition, if any, to the motion to dismiss by no later
14 than Monday, February 1, 2021. The Court warns Plaintiff that a failure to provide an opposition
15 “may be considered by the court as an admission that the motion has merit.” Local Civil Rule
16 7(b)(2).

17 The clerk is ordered to provide copies of this order to all parties and counsel.

18 Dated January 21, 2021.

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20 Marsha J. Pechman
21 United States District Judge
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